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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,592	02/07/2000	James P. Jackson	988.1112	1483

35236 7590 01/31/2008
THE CULBERTSON GROUP, P.C.
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SUITE 420
AUSTIN, TX 78746

EXAMINER

NGUYEN, DAT

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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01/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/499,592

Applicant(s)

JACKSON ET AL.

Examiner

Dat T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24,26,27,29-34,71,73-75,77-83,85-94 and 96-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24,26,27,29-34,71,73-75,77-83,85-94 and 96-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2007 has been entered.

Response to Amendment

This office action is responsive to the amendments filed on 12/19/2007 in which applicant amends claims 24, 26, 30-34, 71, 73, 74, 78-82 and 93, cancels claims 25, 28, 72, 76, 84 and 95, and responds to claim rejections. Claims 24, 26, 27, 29-34, 71, 73-75, 77-83, 85-94 and 96-103 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 26, 27, 29-31, 33, 71, 73-75, 77, 78, 80, 82, 83, 85-89, 91, 93, 94, 96-100 and 102 rejected under 35 U.S.C. 103(a) as being unpatentable over Weingardt et al. (US 5,275,400) in view of Canon (US 5,344,144).

Regarding claim 24, 26-31, 33, 71, 73-75, 77, 78, 83, 85-89, 94, 96-100:

Weingardt teaches an electronic game of chance wherein players are provided the opportunity to win multiple progressive awards based on their wager amount and the game outcome. The play of the game is as follows: player initiates play of a game of chance with rotating reels such as a conventional fruit type slot machine or a electronic poker machine which activates a payline through the combination of symbols (fig. 1 and 6:35-45) by wagering a number of credits. Based on the credits wagered the player may only be eligible for a certain number of progressive jackpots, however should the player wager the maximum bet amount, the player is awarded the big progressive jackpot as well as the smaller progressive jackpot (fig. 4 and the detailed description thereof). The progressive jackpot pools are funded a portion of the player's wager as is well known and understood to one of ordinary skill in the art by the definition of a progressive or para-mutual jackpot. The larger jackpot receives a larger increase than the smaller jackpot since it would be necessary to keep the larger jackpot enticing to players (4:30-67 and columns 9-11). After a jackpot has been hit, it is then reset to some minimal value to entice players to continue to play else players would be disinterested in playing if jackpots were reset to some zero or low amount (5:45-67) and the reset value of the smaller jackpot is smaller than the reset value of the larger jackpot (fig. 4). The game system of Weingardt is a system of linked gaming machines wherein all players on the system are eligible for play of the jackpot as well as their wagers being contributed towards said jackpot (abstract, 3:45-67 and 4:30-67).

As discussed above, Weingardt teaches the funding of multiple progressive jackpots using a portion of each wager through a intermediate common pool. It could be argued that inherently since the common pools are used to fund the progressive pools of Weingardt, then the wagers inherently fund the progressive pools as well. However, explicit teaching can be found in a related patent, Canon, teaching an accounting and progressive system that manages the funding of multiple progressive jackpots by are funding by a portion of each wager (4:20-36). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to fund the multiple progressive jackpots with a portion of each wager to produce the predictable result of a multiple progressive jackpot system with a way for casino operators to track and verify the winnings and accounting data of the jackpots (5:1-67).

Finally, the prior art further fails to explicitly teach paying a monetary reward to players if the gaming result is a wining result which is not the winning progressive jackpot result. However in applicant's specification, page 3, applicant describes the functions of a conventional "modern slot machine" that "would be well known in the art". Such a machine is described as paying out a monetary payout to the player after the final display of symbols is cross-referenced with a pay table. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to implement the monetary payout after a winning outcome as described to be known in the art by applicant's specification to produce the predictable result of a game machine that pays out monetary rewards after each winning outcome, one of ordinary skill in the art would be motivated to make such a modification because players often like to see the

monetary payout in the form of coins after a win as it would increase a player's interest and excitement with the game since the sights and sounds associated with said payout are known to increase a player's enjoyment of the game.

Further regarding claim 33, 80, 91 and 102, wherein the number of paylines activated by the second wager is identical to a number of paylines activated by the first wager amount, Weingardt teaches such limitations in that the identical amount of paylines being one.

Further regarding claim 82 and 93, Weingardt teaches the elements of the claim 82 as discussed above and further teaches a machine with a wager detector and multiple progressive jackpots associated with the gaming machines and the gaming machine displays a number of rotating elements which come to rest showing a combination of symbols representing a gaming result (fig. 1, 6:35-45) and paying the largest of either a first progressive jackpot or a second progressive jackpot if the result of the game is a winning jackpot event (fig. 3).

Claim 32, 34, 79, 81, 90, 92, 101 and 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weingardt et al. in view of Canon as applied above, and further in view of Manship et al. (US 5,393,061).

Weingardt teaches the limitations of claim 32, 71 and 82 as discussed above, however Weingardt fails to explicitly teach a wager activating a plurality of paylines. Manship however teaches a conventional fruit type slot machine as briefly discussed by Weingardt (6:35-45) wherein Weingardt states that the invention of multiple

progressives may also be applied to said conventional fruit type slot machines.

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement multiple paylines with the conventional slot machine and multiple progressive jackpot of Weingardt in order to increase player interest and volume of play by allowing players to wager on multiple paylines at once which generates increased revenue for casino operators.

Regarding claim 34, 81, 92 and 103, the number of playlines activated by the second wager amount is larger than a number of paylines activated by the first wager amount. The prior art teaches the claimed limitations in that Weingard awards progressive jackpots based on wager amount and Manship teaches multiple paylines and therefore should a player wager more paylines than a first wager than the second wager would be of greater amount and therefore be eligible for a higher progressive award.

Response to Arguments

Applicant's arguments with respect to claims 24, 26, 27, 29-34, 71, 73-75, 77-83, 85-94 and 96-103 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

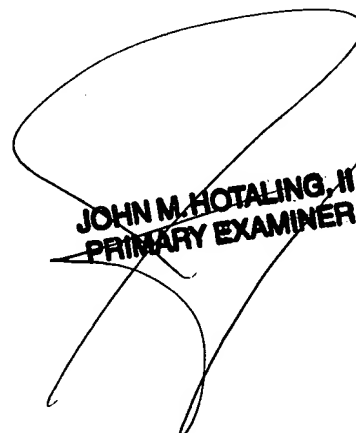
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen


JOHN M. HOTALING, II
PRIMARY EXAMINER